IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 10403 of 2005

Between:

Mudadla Simhachalam Naidu, S/o.Pentan Naidu,
R/o.H.No.48-507, Ganeshnagar, Chintal Post, Hyderabad.

..... PETITIONER

AND

1 The Director, NIMS, Nizam Institute of Medical Sciences,
Panjagutta, Hyderabad.
2 The Executive Registrar, Nizam Institute of Medical Sciences,
Panjagutta, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to may be pleased to issue a writ, order or direction, more particularly one in the nature of writ of mandamus to direct the 1st respondent to receive petitioner's application Vide No.1008 issued by the 2nd respondent without taking earnest money deposit of Rs.10.00 lakhs for providing Medical Shop-1 adjacent to the Emergency Medicine Department, NIMS as per the tender notification vide Rc.No.1/7/NIMS/HRD/05 dt.6-4-2005 of the 1st respondent.

Counsel for the Petitioner: Mr. K. Rama Koteswara RAO

Counsel for the Respondents: Mr. M.V. Prabhakar Rao.

This Court at the admission stage made the following:

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.10403 OF 2005

ORDER :

The 2nd respondent issued tender notification dated 6-4-2005 inviting sealed tenders for grant of lease in respect of two medical shops situated at Nizams Institute of Medical Sciences, Panjagutta, Hyderabad.

The writ petitioner, who claims to be an intending bidder, filed this writ petition seeking a Writ of Mandamus directing the respondents to receive the petitioner's bid without insisting on payment of earnest money deposit.

As can be seen from the material on record, under clause-6 of the terms and conditions of the Tender in question, it is mandatory for the tenderer to submit the earnest money deposit by way of Bank Demand Draft for a sum of Rs.10 lakhs. The

petitioner pleads that he is unemployed and a trained pharmacist and therefore the respondents ought to have relaxed the condition of payment of Rs.10 lakhs towards earnest money deposit.

It is to be noted that the petitioner does not question the validity of the condition with regard to earnest money deposit as specified under the impugned tender notification. At any rate, absolutely no case is made out to show that the said condition is either arbitrary or illegal.

In the circumstances, if the petitioner intends to participate, he is bound to satisfy the tender conditions. The mere plea that the petitioner is unemployed and cannot afford to submit the requisite earnest money deposit cannot be a ground to issue a Writ of Mandamus compelling the respondents to relax the conditions in favour of the petitioner and to accept his bid without insisting on earnest money deposit.

The Writ Petition is devoid of any merit and accordingly the same is dismissed. No costs.

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29th April, 2005.

ghn

To

1 The Director, NIMS, Nizam Institute of Medical Sciences,
Panjagutta, Hyderabad.

2 The Executive Registrar, Nizam Institute of Medical Sciences, Panjagutta, Hyderabad.

3 Two CD copies.